

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5209 OF 2021

Santosh Pandharinath Jatale
Age : 36 years, Occu : Doctor,
R/o, Vasarni, CIDCO,
Nanded, Tq. And Dist. Nanded

.. Petitioner

Versus

Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Division Aurangabad
Through its Member Secretary

.. Respondent

...
Advocate for petitioner : Mr. Mahesh S. Deshmukh h/f. Mr. Sagar S. Phatale
AGP for the respondent – State : Mr. S.G. Sangale
...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 23 AUGUST 2023

ORDER (MANGESH S. PATIL, J.) :

Heard. Rule is made returnable forthwith. At the joint request of the parties, the matter is heard finally at the stage of admission.

2. The petitioner is challenging the order passed by the respondent - scrutiny committee invalidating his claim as belonging to Koli Mahadev scheduled tribe.

3. The learned advocate for the petitioner Mr. Deshmukh submits that there are more than 10 validities in the family across all

the branches from the common ancestor - Daulatrao Ambaji Jatale. Petitioner's real paternal uncle Vishwanath, cousins Vaishali Vishwanath and Vinayak Vishwanath are the validity holders. Second and third degree cousins have already been granted certificates of validity pursuant to the orders of this Court *albeit* conditionally since the committee had intended to undertake a fresh scrutiny of the claims of the validity holders.

4. Mr. Deshmukh would further mention that claim of Madhav Nagnath Jatale was also invalidated by the then committee. He had preferred writ petition. The order of invalidation was quashed and set aside and the matter was remanded back to the committee and it was asked to even invoke the affinity test. Pursuant to such directions in writ petition no. 7417 of 2007, the matter was considered by the committee afresh and Madhav was granted certificate of validity. He would, therefore, submit that since the committee had decided Madhav's matter afresh in the light of the directions of this Court, the petitioner being the second degree nephew of Madhav, is entitled to have the validity.

5. The learned AGP would oppose the claim and support the order. However, he fairly concedes that at least there are four validities granted in the family and blood relations of the petitioner from the paternal side pursuant to the orders of this Court.

6. We have carefully considered the rival submissions and perused the papers.

7. There is no dispute about the genealogy. Daulatrao Ambaji was the common ancestor. He had six sons, Ambaji, Shivram, Namdeo, Ramji, Bhimrao and Nagnath, Siddhant Vitthal and Shubham Vitthal who are the great grandsons of Ambaji, Dhiraj Pundlik who is the grandson of Shivram, Vishwanath who is the son of Namdeo and Vishwanath's daughter Vaishali and son Vinayak, Onkar Shamrao who is the grandson of Bhimrao and afore-mentioned Madhav who is the son of Nagnath are the validity holders. Siddhant, Shubham, Dhiraj and Onkar have been granted certificates of validity pursuant to the orders of this Court. Pertinently, Madhav had faced invalidation and had approached this Court whereupon the matter was remanded back. The committee undertook afresh enquiry and granted certificate of validity to him.

8. If such is the state-of-affairs, the petitioner who is a blood relation from the paternal side, is entitled to have a certificate of validity obviously subject to usual conditions.

9. The writ petition is partly allowed.

10. The impugned order is quashed and set aside.

11. The respondent - scrutiny committee shall immediately issue certificate of validity to the petitioner as belonging to Koli Mahadev scheduled tribe. The validity shall be subject to the decision to be taken by the committee in the matters which it had decided to re-open.

12. Petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/